

REMARKS

The Office Action dated April 5, 2006 has been received and carefully noted. The above amendments and following remarks are submitted as a full and complete response thereto.

Claims 28, 32-41, and 45-54 are amended to more particularly point out and distinctly claim the subject matter of the present invention. No new matter is added. Claims 28-54 are respectfully submitted for consideration.

The Office Action rejected claims 28-35, 41-48, 53 and 54 under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,574,475 to Suzuki. This rejection is respectfully traversed.

Claim 28, from which claims 29-39 depend, is directed to a method of sharing resources between operators in cellular mobile communication networks. For a new connection, in particular an incoming call and/or a handover, a serving operator (A) is enabled during operation to use another operator's (B) or other operators' (B, C, D, ...) resource(s). The operators (A, B, C, D,...) cover the same geographical area, and the resource sharing is dynamical and seamless in a proactive manner so that the new connection is not interrupted. Each operator comprises its own dedicated resource.

Claim 41, from which claims 42-52 depend, is directed to a system of sharing resources between operators in cellular mobile communication networks. An enabling unit is configured to enable a serving operator) for a new connection, in particular an

incoming call and/or a handover. The enabling unit is provided to dynamically and seamlessly share resource(s) from other operator(s) of the same geographical area during operation in a proactive manner so that the new connection is not interrupted.

Embodiments of the present invention are directed to resource sharing between different operators in one and the same geographical area. Applicants respectfully submit that each of the pending claims recite features that are neither disclosed nor suggested in any of the cited references.

Suzuki is directed to handover when a mobile terminal (e.g. 10a) is moved from the one cell (e.g. 22b) to another cell (see for example, 22d col. 10, lines 20 to 22). Each of the different cells (22a to 22f) are allocated to an individual base station (20a to 20f), respectively, (Figures 6 and 7) wherein groups of base stations (e.g. 20a and 20b) are connected to an individual base station controller (e.g. 40a) which again is connected to a mobile communication exchange (e.g. 60a). Thus, Suzuki is directed to a handover between base station controllers connected to different mobile communication exchanges. In order to prevent the communication from being interrupted when a mobile terminal is moved among cells (see for example, col. 1, lines 14 to 16), a so-called soft-handover technique must be used. In order to achieve this, it is required to have adjacent cells (e.g. 22b and 22c) overlapped so that they share a common area. When a mobile terminal moves from a first cell to a second cell adjacent to the first cell and covered by a second base station connected to a second mobile communication exchange, connection between

the mobile station and the second mobile communication exchange is established through the second base station (see for example col. 1, lines 58 to 63).

Applicants respectfully submit that Suzuki fails to disclose or suggest at least the feature of enabling a serving operator during operation, to use another operator's or other operators' resources for a new connection during at least one of an incoming call or a handover, as recited in claim 28 and similarly recited in claim 41. As discussed on the first page of the specification of the present application, an "operator" according to the present invention has its own dedicated network infrastructure comprising a complete network or at least certain resources of a network and manages such network or resources. In order to be able to do this, all operators must acquire their own license which allows operators to use certain frequency bands. With respect thereto, the term "cellular network operators" is used in the specification. Applicants respectfully submit that the phrase "mobile communication exchange" discussed in Suzuki is not analogous to, and does not read upon, the term "operator" recited in the pending claims as alleged in the Office Action. The "mobile communication exchange" according to Suzuki, is part of a mobile communication system which in addition to mobile communication exchanges, further comprises base stations and at least one mobile terminal (see for example col. 1, lines 35 to 38). A "mobile communication exchange" according to the teaching of Suzuki is provided to control the exchange between base station controllers, between a base station controller and another mobile communication exchange, and between a base station controller and another network (see for example col. 5, lines 45 to

50). A mobile communication exchange receives user information signals sent from a mobile terminal through a base station, and performs a signal diversity synthesis of the received user information signals to form a synthesized user information signal and to send the synthesized user information to another system user (see for example col. 1, 52 to 57). Moreover, a second mobile communication exchange relays user information signals, which are sent from the mobile station, and which are received by a second base station, to the first communication exchange (see for example col. 1, lines 63 to 67). The first mobile communication exchange carries out signal diversity synthesis of the user information signals received by the first and second base station to transmit a new synthesized user information signal to another system user (see for example col. 1, line 67 to col. 2, line 4). Thus, the “mobile communication exchange” discussed in Suzuki, is a hardware and/or software component which forms part of a mobile communication system and therefore, is not analogous to the “operator” recited in the pending claims.

Further, Applicants respectfully submit that Suzuki fails to disclose or suggest at least the feature of the operators cover the same geographical area and said resource sharing is dynamical and seamless in a proactive manner so that the new connection is not interrupted, as recited in claim 28 and similarly recited in claim 41. In the present invention, the operators cover the same geographical area, wherein in some instances, each operator includes its own indicated network infrastructure so that several network infrastructures are provided in one and the same geographical area. Thus, for the present invention it is totally irrelevant whether or not a mobile terminal moves within and/or out

of the “same” geographical area. A condition for the “same” geographical area is that several operators are allocated to the same geographical area and simultaneously work within the same geographical area. Suzuki is merely directed to a handover between base station controllers when a mobile terminal moves from one cell to another cell wherein “moving” means that the mobile terminal changes its geographical location because the different cells have different geographical locations. Thus, the overlapping of areas discussed in Suzuki is not analogous to, and does not read upon, the “same geographical area” as recited in the pending claims and supported in the specification of the present application.

Applicants respectfully submit that because claims 29-35, 42-48, 53 and 54 depend from claims 28 and 41, these claims are allowable at least for the same reasons as claims 48 and 51, as well as for the additional features recited in these dependent claims.

Based at least on the above, Applicants respectfully submit that Suzuki fails to disclose or suggest all of the features recited in claims 28-35, 41-48, 53 and 54. Accordingly, withdrawal of the rejection of claims 28-35, 41-48, 53 and 54 under 35 U.S.C. 102(e) is respectfully requested.

The Office Action rejected claims 36-40 under 35 U.S.C. 103(a) as being obvious over Suzuki, in view of US Patent No. 6,574,476 to Williams (Williams). The Office Action took the position that Suzuki disclosed all of the features of these claims except for a predetermined condition includes an increase of load or overload in the serving operator’s network and wherein a predetermined condition includes congestion wherein

there are not free resources for a new connection and a situation affecting a predetermined quality of service. The Office Action asserted that Williams disclosed this feature. Applicants respectfully submit that the Office Action did not establish *prima facie* obviousness in rejecting the above claims because the cited references taken individually or in combination, fail to disclose or suggest all of the features recited in any of the pending claims. Specifically, Suzuki is deficient at least for the same reasons discussed above, and Williams fails to cure these deficiencies.

Suzuki is discussed above. Williams is directed to a sectorized wireless broadband base station (BBS) having two or more assigned absolute RF channel numbers (ARFCNs) for communications with mobile subscribers in a cellular communications network. The system includes a central processing unit for exclusively allocating one or more of the ARFCNs to each of the sectors, each sector providing a communication link for subscriber calls in one or more communication cells serviced by the BBS. Further, the system includes programming and hardware for exclusively allocating an additional one of the ARFCNs to the sector upon a number of the subscriber calls in any such sector reaching a predetermined limit which exceeds a capacity for the ARFCN. However, Williams fails to disclose or suggest the features of enabling a service operator during operation to use another operator's or other operators' resources for a new connection during at least one of an incoming call or a handover and wherein the operators cover the same geographical area, and the resource sharing is dynamical and seamless in a

proactive manner so that the new connection is not interrupted. Thus, Williams fails to cure the deficiencies of Suzuki.

Based at least on the above, Applicants respectfully submit that the cited references fail to disclose or suggest all of the features recited in claims 36-40 and 49-52. Therefore, the Office Action did not establish *prima facie* obviousness in rejecting claims 36-40 and 49-52. Accordingly, withdrawal of the rejection of claims 36-40 and 49-52 under 35 U.S.C. 103(a) is respectfully requested.

Applicants respectfully submit that each of claims 28-54 recite features that are neither disclosed nor suggested in any of the cited references. Accordingly, Applicants respectfully request that each of claims 28-54 be allowed and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Petition for Extension of Time
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